

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**MEMORANDUM**

Case No. CV 15-4212 DSF (AGRx)

Date 8/18/15

Title Brian Rausch v. Malcolm Blair, et al.

Present: The Honorable	<u>DALE S. FISCHER</u> , United States District Judge
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Debra Plato	Not Present
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Deputy Clerk	Court Reporter
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Attorneys Present for Plaintiff:	Attorneys Present for Defendants:
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Not Present	Not Present
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**Proceedings:** (In Chambers) Order to Show Cause re Sanctions for Failure to Attend Court-Ordered Scheduling Conference

The Court's Order Setting Scheduling Conference issued on June 8 established a Scheduling Conference date of August 10 and stated: "Lead trial counsel are ordered to appear in person unless counsel have been excused by the Court." (Dkt. # 11.)

On August 5, counsel filed an untimely stipulation to continue the Scheduling Conference for nearly two months, asserting among other things that they were meeting and conferring on various issues and they believed a responsive pleading or answer should be considered when discussing the topics at the Rule 26 meeting. The court denied the stipulation and continued the Conference to August 17 to allow the parties to file a Joint Rule 26 Report.

Gerard Fox, lead counsel for Plaintiff failed to appear for the Scheduling Conference as ordered. Instead, he sent the junior person on the case, Lauren Greene. Ms. Greene advised that Mr. Fox was not present because he was "preparing for trial." Because there was a significant substantive issue that the Court wished to address with lead counsel - the disputed issue of whether discovery should be consolidated, the Court might not have proceeded with a Scheduling Conference in Mr. Fox's absence even if he had followed the Court's instructions and requested permission. (Ms. Greene provided no information concerning the trial date or the nature of the trial.) In any event, Mr. Fox simply disregarded the Court's requirements and failed to attend. Mr. Fox is ordered to

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show cause in writing no later than August 31 why he should not be sanctioned in the amount of \$250 for his failure to comply with this Court's order.

No counsel appeared on behalf of Defendants. Bruce Berman is ordered to show cause in writing no later than August 31 why he should not be sanctioned in the amount of \$350 for his failure to comply with this Court's order.

The Scheduling Conference is continued to September 14 at 11:00 a.m.

**IT IS SO ORDERED.**